

On June 17, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19507. Misbranding of Pratts N-K nicotine and kamala tablets. U. S. v. 23 Packages, et al., of Pratts N-K Nicotine & Kamala Tablets. Default decree of condemnation, forfeiture, and destruction. (8220-A, 8221-A, 8222-A, 8223-A. F. & D. No. 28429.)

Examination of a drug product, known as Pratts N-K nicotine and kamala tablets, from the shipment herein described having disclosed no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed in the labeling, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On June 22, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 34 packages, adult size, and 32 packages, chick size, of Pratts N-K nicotine and kamala tablets, remaining in the original unbroken packages at Camden, N. J., alleging that the articles had been shipped by the Pratt Food Co., from Philadelphia, Pa., on or about May 23, 1932, and had been transported from the State of Pennsylvania into the State of New Jersey, and charging violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of kamala and tobacco.

It was alleged in the libel that the article was in violation of the food and drugs act, section 8, paragraph 3, as amended, under drugs, in that the following statements appearing in the labeling, regarding the curative or therapeutic effect of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "For Tape * * * Worms of Poultry * * * for individual treatment of poultry infested with tape * * * worms;" (circular) "Don't Let Worms Kill Your Hens! [Cut showing picture of tapeworms] * * * Full, Therapeutic Dose of Fresh, Potent Kamala and Nicotine Kills the Worms * * * Here in the Intestines the Kamala and Nicotine Kills The Worms * * * Solving The Worm Problem * * * There is no simpler, safer, surer and quicker way to treat fowls for worms than by the use of Pratts N-K Capsules * * * Pratts N-K Capsules. * * * Get the Worms."

On August 2, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19508. Adulteration and misbranding of ether. U. S. v. Keene Chemical Co. (Milton Elias Co., Harold Surgical Corporation). Plea of guilty. Fine, \$2,000. (F. & D. No. 26535. I. S. Nos. 01378, 01379, 03930, 03958, 019565, 019567, 019568, 021651.)

This action was based on five separate interstate shipments of ether. Samples examined were found to contain excessive nonvolatile matter; peroxide and aldehyde, not normal constituents of ether, also were found; samples from all consignments were found to contain acid in excess of the amount permitted by the United States Pharmacopoeia. Investigation showed that the article was a part of a lot of ether purchased from the Government as surplus Army stores, the Government having required the purchaser to execute a bond conditioned that it would be used otherwise than for purposes of anaesthesia, and in some manner whereby its deteriorated condition would not endanger human life. The article was shipped under its original label as ether for anaesthesia.

On September 16, 1931, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Keene Chemical Co., a corporation organized under the laws of the State of New York, and having an agent at Bayway, N. J. The information charged shipment by said company by means of its duly authorized agents, of the following consignments of ether which was adulterated and misbranded in violation of the food and drugs act: On or about July 8, 1929, from Bayway, N. J., into the State of Georgia; on or about July 29 and July 30, 1929, in the name of the Milton Elias Co., from Bayway, N. J., into the State of Minnesota;

on or about August 29, 1929, in the name of the Milton Elias Co., from Bayway into the State of Pennsylvania; and on or about September 9, 1929, in the name of the Harold Surgical Corporation, from Bayway, N. J., into the State of Pennsylvania. The article was labeled in part: "Ether * * * For Anaesthesia * * * The best that can be made for anaesthesia. * * * It is superior in vital respects to the ether of the U. S. P."

Adulteration of the article was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated on the label, viz: 1 consignment of the article contained a greater amount of acid and non-volatile residue than specified in the pharmacopoeia; 2 of the consignments contained acid in excess of the amount specified in the pharmacopoeia; 1 consignment contained peroxide, which is not a constituent of the pharmacopoeial product, also acid in excess of the amount specified in the said pharmacopoeia; and 1 consignment contained aldehyde, which is not a constituent of the pharmacopoeial product, also acid in excess of the amount specified by the pharmacopoeia.

Misbranding was alleged for the reason that the statements, "Ether * * * the best that can be made for anaesthesia. * * * It is superior in vital respects to the ether of the U. S. P.," borne on the label, were false and misleading, since the article was not the best ether that can be made, and it was not superior, but was inferior to ether that complies with the United States Pharmacopoeia, since it contained impurities that made it inferior for use for anaesthesia.

On November 16, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200 on each count, a total fine of \$2,000 on the 10 counts.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19509. Adulteration and misbranding of ether. U. S. v. Sidney Cohen (Pacific Chemical Co.). Plea of guilty. Fine, \$200. (F. & D. No. 26529. I. S. Nos. 028826, 028827, 028828, 028829, 028831, 028832, 028833, 028834.)

This action was based on the interstate shipment of quantities of ether. Samples examined were found to contain peroxide, indicating deterioration. Acid and nonvolatile residue in excess of the amounts permitted by the United States Pharmacopoeia for ether also were found. Investigation showed that the article was a part of a lot of ether purchased from the Government as surplus Army stores, the Government having required the purchaser to execute a bond conditioned that it be used for purposes other than anaesthesia, and in some manner whereby its deteriorated condition would not endanger human life. The article was shipped under its original labels as ether for anaesthesia.

On October 20, 1931, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Sidney Cohen, trading as the Pacific Chemical Co., New York, N. Y., alleging shipment by said defendant, in violation of the food and drugs act, on or about April 27, 1929, from the State of New York into the State of Pennsylvania, of quantities of ether that was adulterated and misbranded. The article was labeled in part: "Ether * * * For Anaesthesia * * * the best that can be made for anaesthesia. * * * It is superior in vital respects to the ether of the U. S. P."

It was alleged in the information that the article was adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, since it consisted in part of peroxide, a constituent not present in ether of the United States Pharmacopoeial standard, and since it contained acid and nonvolatile residue in excess of the amounts specified in the said pharmacopoeia, and its own standard was not stated on the label. Adulteration was alleged for the further reason that the article was sold under the following professed standard and quality stated on the label, "Ether * * * the best that can be made for anaesthesia. * * * It is superior in vital respects to the ether of the U. S. P.," and its strength and purity fell below such pro-